

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

Case No. 1:22-cv-07160-ALC

PREPARED FOOD PHOTOS, INC. f/k/a
ADLIFE MARKETING &
COMMUNICATIONS CO., INC.,

Plaintiff,

v.

TONY'S PIZZA OF POUGHKEEPSIE, INC.
d/b/a TONY'S PIZZA PIT, and MYPIZZA
TECHNOLOGIES, INC. d/b/a SLICE,

Defendants.

AGREED MOTION FOR EXTENSION OF TIME TO RESPOND TO COMPLAINT

Plaintiff Prepared Food Photos, Inc. f/k/a Adlife Marketing & Communications Co., Inc. (“Plaintiff”) respectfully moves the Court for an order extending the time for defendant Tony’s Pizza of Poughkeepsie, Inc. d/b/a Tony’s Pizza Pit (“Tony’s Pizza”) to file its response to Plaintiff’s Complaint, and states as follows:

1. Plaintiff served its Complaint upon Tony’s Pizza on August 24, 2022. Tony’s Pizza response was due on September 14, 2022 [D.E. 7].

2. On or about August 24, 2022, undersigned counsel was contacted by an insurance adjuster on behalf of co-defendant MyPizza Technologies, Inc. d/b/a Slice (“Slice”) who requested an extension of time to investigate the claim it had just received and to appoint legal counsel to represent Slice.

3. On September 16, 2022, undersigned counsel was contacted by Mark E. Avsec, legal counsel for Slice. Undersigned counsel and Mr. Avsec agreed that, given certain questions

concerning service of the Complaint on Slice, that a Waiver of Service form would be executed/filed such that Slice's response to the Complaint would not be due until November 15, 2022.

4. Given the interrelated allegations against both Defendants, counsel likewise agreed to similarly extend the deadline for Tony's Pizza to respond (so that both Defendants' responses would be due on the same date). This will allow Slice to investigate the allegations while not prejudicing its restaurant customer by requiring it to substantively respond to the Complaint prior to Slice.

5. The requested extension of time is being made in good faith and not for purposes of delay.

WHEREFORE, Plaintiff respectfully requests that the Court enter an Order granting Tony's Pizza an extension of time, through and including November 15, 2022, to file its response to the Complaint.

Respectfully submitted,

Dated: September 20, 2022.

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By: /s/ Daniel DeSouza
Daniel DeSouza, Esq.
Florida Bar No.: 19291

CERTIFICATE OF SERVICE

I hereby certify that on September 20, 2022, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF, which will electronically serve all counsel of record.

/s/ Daniel DeSouza

Daniel DeSouza, Esq.